



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

**March 16, 1989**

**Honorable Nick Perez  
Texas State Representative  
P. O. Box 2910  
Austin, Texas 78769**

**LO-89-25**

**Dear Representative Perez:**

You have asked about the application of sections 23.023 and 23.025 of the Local Government Code to the newly incorporated Horizon City, Texas. You tell us that the area was incorporated and held its initial election of officers pursuant to section 23.021 of the Local Government Code on October 22, 1988.

Your questions concern the length of term served by the initial officers and the date of the next regular municipal election. Local Government Code section 23.023(a) provides:

(a) After the initial election, the election for the mayor, aldermen, and marshal shall be held annually, except as otherwise provided by law, on an authorized uniform election date as provided by Chapter 41, Election Code.

Section 41.001 of the Election Code provides three uniform election dates for political subdivisions holding annual elections. Those dates are the third Saturday in January, the first Saturday in May, and the second Saturday in August. Therefore, under Local Government Code section 23.023, the annual elections of Horizon City must occur on one of these three uniform dates.

Your questions are prompted by language in Local Government Code section 23.026 which provides for a one-year term of office for municipal officers. You ask whether the officers elected at the initial election must serve a one-year term ending on October 22, 1989, or whether an

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election must be held on a uniform date in compliance with the Election Code.

A close reading of the relevant provisions of the Local Government Code discloses no conflict between the two codes. Section 23.025 provides that the officers elected at the initial election "hold office until their successors have been duly elected at the following annual municipal election and have qualified." In other words, there is no definite term of office set for the first officers. The one-year term prescribed by section 23.026 applies to the regular term for officers elected at subsequent elections.

In our opinion, the current members of the governing body must select an available uniform election date and hold an election in 1989. The remaining available dates are the May date and the August date. We hope this information will assist you in advising the city on this matter.

Very truly yours,



Karen C. Gladney  
Assistant Attorney General  
Opinion Committee

APPROVED: Sarah Woelk, Chief  
Letter Opinion Section

KG/SW/lcd

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